

As the Fourth Circuit recognizes,

ERISA preempts state-law claims to the extent they “relate to” any ERISA plan. A state-law claim “relates to” an ERISA plan, hence is preempted, “if it has a connection with or reference to such a plan,” so that state common-law tort and contract actions which are “based on alleged improper processing of a claim for benefits under an employee benefit plan” are preempted by ERISA. Applying this analysis, the lower federal courts uniformly have held that state-law claims of intentional infliction of emotional distress which are based on the allegedly wrongful denial or termination of benefits under an ERISA plan are preempted by ERISA.

Stiltner v. Beretta U.S.A. Corp., 74 F.3d 1473, 1480-81 (4th Cir.) (citations omitted), cert. denied, 519 U.S. 810 (1996). Based on his own allegations, plaintiff’s claim for negligent infliction of emotional distress centers on The Hartford’s allegedly wrongful processing of plaintiff’s claim for disability benefits, and the claim is therefore preempted by ERISA. See id. at 1481.

The motion to dismiss is ALLOWED, and plaintiff’s Claim II is DISMISSED.

This 19 February 2008.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is written over a horizontal line.

W. Earl Britt
Senior U.S. District Judge